

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF TDI COMMUNICATIONS,) INC. FOR APPROVAL OF RELIEF OF) CERTIFICATION REQUIREMENT TO POST) SURETY BOND)	ORDER GRANTING AMENDED CERTIFICATE OF AUTHORITY TC01-159
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On October 11, 2001, the Public Utilities Commission (Commission), in accordance with SDCL 49-31-3 and ARSD 20:10:24:02, received an application for a certificate of authority from TDI Communications, Inc. (TDI).

TDI proposed to acquire and resell various voice and data communications services offered by IXCs, and to package and provide these services for the specialized functions and needs of its customers.

On October 18, 2001, the Commission electronically transmitted notice of the filing and the intervention deadline of November 2, 2001, to interested individuals and entities. No petitions to intervene or comments were filed and at its December 12, 2001, meeting, the Commission granted TDI's request for a certificate of authority, subject to a continuous \$25,000.00 surety bond and a waiver of ARSD 20:10:24:02(8).

On November 14, 2003, the Commission received notice that Liberty Mutual Insurance Company would cancel Bond No. 015-014-775 on November 5, 2003. Staff contacted Liberty Mutual Insurance Company and informed them that according to the bond, cancellation could only be effective 30 days after the Commission received notice of the cancellation. The cancellation date was corrected to indicate the bond would be cancelled as of December 14, 2003. Staff also notified TDI of the cancellation of the bond and the company failed to respond to repeated requests from Staff to address the cancellation of the bond.

At its regularly scheduled December 2, 2003, meeting, Staff recommended that the Commission reconsider the terms and conditions of TDI's certificate of authority to remove the requirement that the certificate of authority be subject to a continuous \$25,000 bond and impose a new restriction that TDI not offer a prepaid calling card or require or accept deposits or advance payments without prior approval of the Commission, effective December 13, 2003.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24:02 and 20:10:24:03. The Commission finds that TDI has met the legal requirements established for the granting of an amended certificate of authority. TDI has, in accordance with SDCL 49-31-3, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. The Commission approves Staff's recommendation that TDI's certificate of authority be amended, subject to the condition

that TDI not offer a prepaid calling card or require or accept deposits or advance payments without prior approval of the Commission. As the Commission's final decision in this matter, It is therefore

ORDERED, that TDI's application for an amended certificate of authority to provide interexchange telecommunications services is granted, effective December 13, 2003, subject to the removal of the condition of a surety bond, and subject to the condition that TDI not offer a prepaid calling card or require or accept deposits or advance payments without prior approval of the Commission.

Dated at Pierre, South Dakota, this 17th day of December, 2003.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by first class mail, in properly addressed envelopes, with charges prepaid thereon.</p> <p>By: _____</p> <p>Date: _____</p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

ROBERT K. SAHR, Chairman

GARY HANSON, Commissioner

JAMES A. BURG, Commissioner